



NATIONAL RECONNAISSANCE OFFICE

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Chantilly, VA 20151-1715

23 April 2018

Ms. Ramya Krishnan
Knight First Amendment Institute at
Columbia University
1140 Amsterdam Avenue
206 Kent Hall
New York, NY 10027
ramya.krishnan@knightcolumbia.org

REF: FOIA Case F-2018-00017 Appeal

Dear Ms. Krishnan:

This is in response to your 29 March 2018 email, in which you are appealing the National Reconnaissance Office (NRO) 2 January 2018 response to items 2 and 3 of your 19 December 2017 request pursuant to the Freedom of Information Act (FOIA). Items 2 and 3 were:

2. all documents relating to administrative appeals filed from prepublication-review determinations, including but not limited to:
 - a. administrative appeals;
 - b. any correspondence or back-and-forth between an agency and an individual who filed an administrative appeal; and
 - c. final decisions with respect to administrative appeals;
3. all documents relating to any form of sanction imposed, or considered for imposition, on agency and/or former agency employees for failure to comply with their prepublication review obligations.

As the NRO Appellate Authority, and after a complete review of your request and appeal of the no records response to items 2 and 3, I am upholding the NRO's initial determination that no responsive records were located. Prepublication Review Instruction 56-2-2, which governs the NRO prepublication review process, is enclosed for your information; you will note that it contains no provision for administrative appeals of prepublication review determinations. Accordingly, no administrative appeal records exist. The NRO reviewers work with each submitter to find acceptable language where any submitter objections to prepublication review determinations exist. This collaboration occurs as part of the initial submission and continues until the issues are resolved, eliminating the need for an 'administrative appeal' process. A second thorough search of our records and databases was performed for any records relating to item 3; no records were located.

You are advised that you are entitled to a judicial review of this determination in a United States District Court in accordance with 5 U.S.C. § 552, as amended.

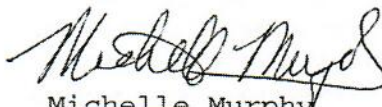
As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to

resolve disputes between FOIA (not Privacy Act) requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348
Toll-free: 1-877-684-6448

If you have any questions or you would like to discuss your request, please contact the NRO FOIA Public Liaison, Patricia Cameresi by way of the Requester Service Center at (703) 227-9326 and reference case number F-2018-00017.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Murphy".

Michelle Murphy
Appellate Authority

Enclosure: NRO Instruction 56-2-2, Prepublication Review

National Reconnaissance Office
Business Function 50, Information Technology,
Information Assurance, and Information Management
Directive 56-2, Access and Release
Instruction 56-2-2, Prepublication Review



26 FEBRUARY 2013

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Approved for Release: 2016/11/08 C05093140

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56-2-2 CHANGE LOG

(b)(3) 10 USC ¹ 424

Revision	Date	Revised By	Pages Affected	Remarks
1.0	26 Feb 2013	<input type="text"/>	ALL	Updated to realign with NBF50 and reflect organizational changes.
2.0	10 FEB 16	COMM <input type="text"/>	10-12	Administratively updated Glossary and Acronym lists with the Defining IT definitions.

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SECTION I - INTRODUCTION

In accordance with the National Reconnaissance Office (NRO) Governance Plan, NRO Business Function (NBF) 50, Information Technology, Information Assurance, and Information Management (IT-IA-IM) and NRO Directive 56-2, this NRO Instruction (NI) sets forth the procedural implementation guidance and provides applicable information to perform the Prepublication Review process. All NRO personnel who perform tasks or have duties specific to Prepublication Review will comply with this NI. When the work to be performed under an NRO contract must comply with this NI, the program office shall list this NI as a reference document in the contract statement of work.

SECTION II - NBF 50 PREPUBLICATION REVIEW SUB-PROCESS DOCUMENTATION

The sub-sections that follow detail the Prepublication Review processing sub-process.

Governing NBF

NBF 50, IT-IA-IM

Description

The Chief Information Officer (CIO) administers the process for approval for public release of any unclassified information (including hard copy, electronic, or verbal) about, or affecting the plans, policies, programs, or operations of the NRO, the Intelligence Community (IC), or the United States Government. This NI provides guidance on when a prepublication review is required and explains the steps that all individuals and components involved in the process must complete. This NI does not apply to the public release of NRO logos or memorabilia. The Office of Security and Counterintelligence (OS&CI) administers a separate process for review and release of logos and memorabilia.

Instruction Point of Contact

Chief, Information Access and Review Team, Information Management Services Office (IMSO), CIO, Secure (b)(3) 10 USC 424

Support Systems

IMSO Website - contains additional information in support of the Prepublication Review process.

Prepublication Review Submission System - Enterprise database used by submitters with NRO Management Information System access to request Prepublication Review of unclassified information proposed for public release.

Tracking Information and Enterprise Response (TIER) - Enterprise action tracker used to administer Prepublication Review cases, to include dissemination of information for review, receipt of

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review responses, and case tracking/record-keeping; and used by component for subtasking within components.

Process Narrative

Unclassified materials proposed for public release must have the approval of a Program Security Officer (PSO) and the component supervisory chain prior to sending any materials to the CIO. If NRO contract information or information derived from an NRO contract is included in the material submitted for prepublication review, approval must also be obtained from the Contracting Officer (CO). The CIO will not begin the Prepublication Review process without the required originating component approvals.

A minimum of 20 working days is required for the Prepublication Review process. Submissions that require consultation with external agencies will require additional time. In the event that the CIO is not allowed sufficient time to complete the review process, the CIO will issue a nonconcur determination until such time as the review process can be completed.

1.0 Submitter prepares document for public release and collects necessary approvals.

1.1 The PSO reviews for classified or unclassified sensitive information relating to the submitting office's programs and operations; ensures that the proposed use is a public release; and assists the submitter in resolution of any issues identified in the PSO review.

1.2 The submitter's supervisor and Program Manager (may be the same individual) certify that they are aware of the proposed public release and approve the submission to the CIO for further processing. This step is not required for resumes.

1.3 If the materials proposed for public release are related to an NRO contract, the cognizant CO reviews the submission and certifies that the release does not violate the NRO Acquisition Manual terms regarding public release of contract-related information.

2.0 Author submits the final draft of the unclassified materials proposed for public release along with your component approvals to the CIO to begin the prepublication review process a full 20 working days before the due date.

3.0 Materials must be resubmitted for review if any changes are made to the drafts after submission other than editorial, grammatical, or those recommended by CIO.

4.0 Contact the CIO immediately if unusual circumstances prevent drafts from being submitted in time to meet

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submission deadlines. CIO will not expedite non-official publications.

5.0 Upon receipt of the unclassified materials for Prepublication Review and the required component approvals, the CIO will analyze the submission and task the appropriate directorates and/or offices to review the materials. OS&CI/Policy, Office of Strategic Communications (Public Affairs), and Advanced Systems & Technology Directorate [redacted] will review all submissions other than resumes. (b)(3) 10 USC + 424

5.1 Components tasked with review will administer the review process within the individual components, utilizing cognizant PSOs and/or subject matter experts. The review process is determined by the individual components.

5.2 Components compile and consolidate component-internal review findings into a single component-level response to the CIO and respond to the TIER action on behalf of the reviewing component. The component TIER response must include a clear statement of concurrence, nonconcurrence, or concurrence with comment. In the event of a nonconcurrence, the component response must include a clear explanation as to the reasons for the nonconcurrence and, if possible, a recommendation for change that would be acceptable.

6.0 Upon completion of NRO component reviews, the CIO will make a determination regarding the necessity for review by other agencies.

6.1 For official NRO releases, the CIO will consult with other agencies as appropriate as part of this process. Additional time is needed for external consultation. If external consultation is required for an official NRO release, the CIO will not issue a final release determination until consultation responses are received in the CIO.

6.2 For non-NRO releases, the CIO does not administer external consultations as part of this process, but will advise the submitter in this regard as part of the final review determination response.

7.0 After all component and external reviews are complete, the CIO will respond to the submitter with a release determination, to include guidance on the conditions under which the materials may be released to the public, a detailed accounting of any revisions that must be made before public release, or approval for the release of the materials as submitted.

8.0 The submitting office has sole responsibility for maintaining a copy of the approval to release the information. It should be kept with the submission and maintained in accordance with the NRO Record Control Schedule.

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Process Flow Diagram

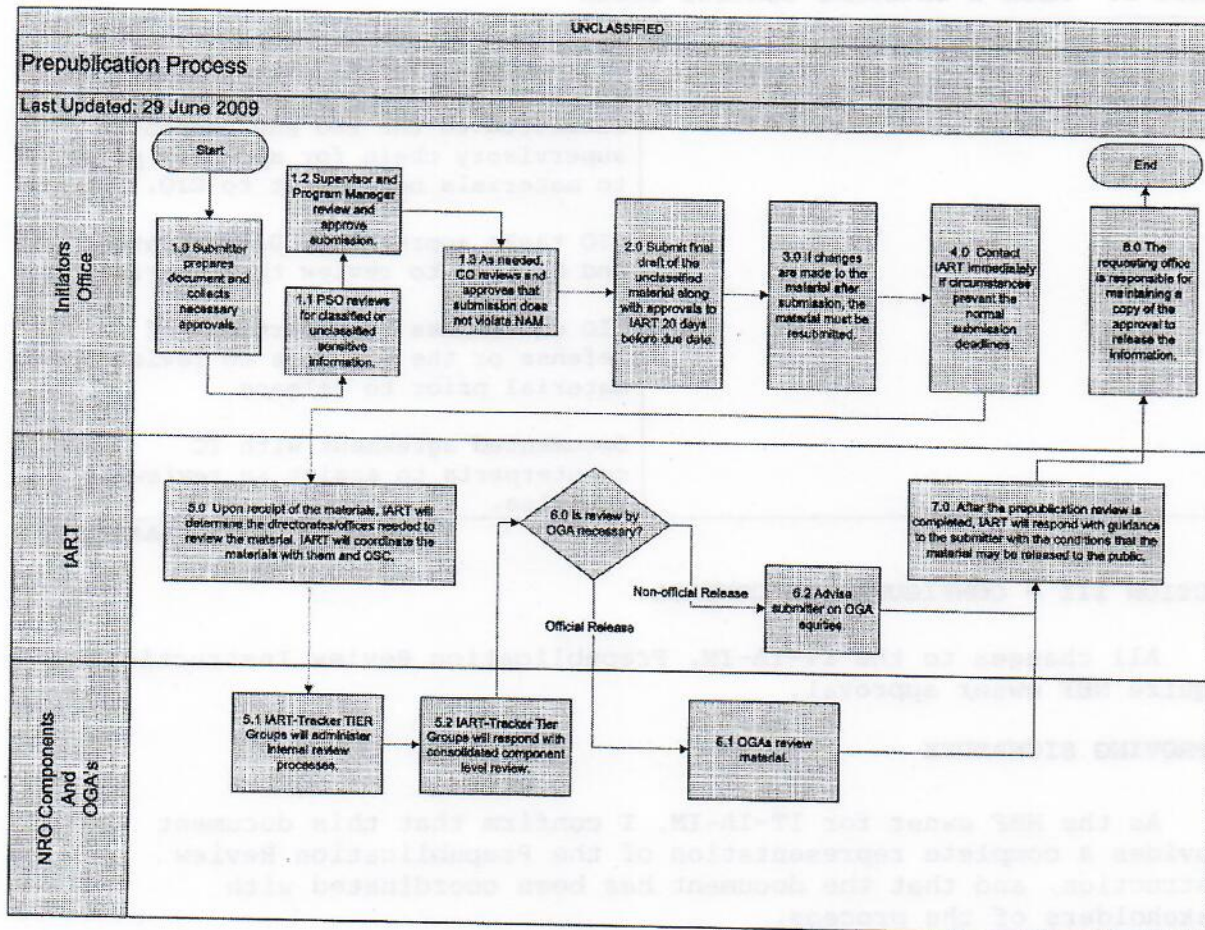


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Table 1: Risk & Internal Control Table

Risk	Internal Control
Inadvertent release of information not appropriate for the public.	All unclassified materials proposed for release to the public must be submitted to the PSO and component supervisory chain for approval prior to materials being sent to CIO. CIO tasks appropriate Directorates and Offices to review the material. CIO determines if Department of Defense or the IC needs to review the material prior to release. Documented agreement with IC counterparts to assist in reviewing equities.

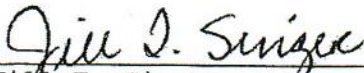
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SECTION III - CONFIGURATION CONTROL

All changes to the IT-IA-IM, Prepublication Review Instruction require NBF owner approval.

APPROVING SIGNATURE

As the NBF owner for IT-IA-IM, I confirm that this document provides a complete representation of the Prepublication Review Instruction, and that the document has been coordinated with stakeholders of the process.


Jim T. Singer
IT-IA-IM NBF Owner

26 Feb 2013
Date

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APPENDIX A - PROCESS FLOW DIAGRAM LEGEND

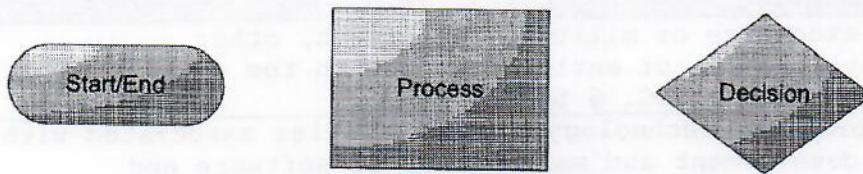


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APPENDIX B - GLOSSARY

Term	Definition
Agency	Any executive or military department, other establishment, or entity included in the definition of agency in 5 U.S.C. § 522(f).
Business Information Technology	<p>Information Technology (IT) activities associated with the development and maintenance of software and hardware to support business functions to include, but not limited to, human capital, core financials, acquisition, procurement, logistics, grants, asset management, payroll, budget formulation and execution, performance management, travel, time and attendance, cost accounting, project accounting, earned value management, personnel management applications, and elements of security systems that track personnel.</p> <p>Business Information Technology (BIT) also includes all supporting feeder systems that support the Business Management operations of an organization or agency. BIT applications and services shall be available to business systems users via Enterprise Information Technology (EIT) networks and workstations.</p>
Component	Any individual NRO D or O that participates in the Prepublication Review process.
Enterprise Information Technology	Encompasses Information Technology (IT) activities associated with the Agency's infrastructure, such as desktops, local area networks, wide area networks, processors, software, security, operations, help desks, applications, support services, and resources associated with the IT. This category identifies IT elements and applications available to all users of the enterprise (e.g., e-mail). Information assurance (IA) capabilities are to be included in this category. Also included in the Enterprise Information Technology (EIT) category are completely installed computer systems and their peripheral components.

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Term	Definition
Information Technology	Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. Equipment is used directly or is used by a contractor under a contract which requires the use of such equipment, or requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product. Information Technology (IT) includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources. It is further delineated by Business Information Technology (BIT), Enterprise Information Technology (EIT), and Mission Information Technology (MIT).
Mission Information Technology	Information Technology (IT) activities associated with collection, analysis, and production systems, and information sharing/collaboration tools, applications, and software, with the exception of office automation systems. These systems can exist at the point where information is initially processed or at the point where analysts turn collected information into intelligence and knowledge. Mission Information Technology (MIT) also includes special purpose software and IT elements used among small, unique user populations.
Non-NRO Release	A record or document that will be released not on the behalf of the NRO (for example, private party documents, contractor produced documents not produced for the NRO).
Official Release	A record or document that will be released by the NRO or an NRO component as part of its mission and function
Prepublication Review	The process established to control and monitor the release of unclassified information about, or affecting the plans, policies, programs, or operations of the NRO, the Intelligence Community or U.S. Government.
Submitter	The individual who created the document at issue.
Working Days	Days when the NRO is operating (specifically excludes Saturdays, Sundays, and legal public holidays).

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APPENDIX B - ACRONYM LIST

Term	Definition
BIT	Business Information Technology
CIO	Chief Information Officer
CO	Contracting Officer
EIT	Enterprise Information Technology
IC	Intelligence Community
IMSO	Information Management Services Office
IT	Information Technology
IT-IA-IM	Information Technology, Information Assurance, Information Management
MIT	Mission Information Technology
NBF	NRO Business Function
NI	NRO Instruction
NRO	National Reconnaissance Office
OS&CI	Office of Security and Counter-Intelligence
PSO	Program Security Officer
TIER	Tracking Information and Enterprise Response

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APPENDIX C - REFERENCES/AUTHORITIES

- a. 50 United States Code, Chapter 15, National Security Act of 1947
- b. Executive Order 12333, United States Intelligence Activities, as amended
- c. Executive Order 13526, Classified National Security Information, 29 Dec 09
- d. Department of Defense Instruction 5230.29, Security and Policy Review of Department of Defense Information for Public Release, 8 Jan 09
- e. Department of Defense Regulation 5230.9, Clearance of Information for Public Release, 9 Apr 96 (b)(3) 50 USC + 3507
- f. Agency Regulation ☐ Agency Prepublication Review of Certain Material Prepared for Public Dissemination, 30 May 07
- g. Agency Regulation ☐ Policy and Procedures for the Release of Unclassified Agency Official Information to the Public, 19 Sep 95
- h. National Reconnaissance Office Acquisition Manual
- i. National Reconnaissance Office Business Function 50, Information Technology, Information Assurance, and Information Management
- j. National Reconnaissance Office Directive 56-2, Access and Release

